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Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

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PROVINCIAL LEGAL OFFICE

Item No.: 03

Date: 27 2024 AUG



2nd INDORSEMENT

August 20, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 03 series 2024 of the Sangguniang Bayan of Tunga, Leyte.

Issues/concerns for review/recommendation/legal opinion is/are as follows:

- Ordinance No. 03 series 2024 entitled: **“An Ordinance Creating Additional Positions in the Local Government Unit of Tunga, Leyte and Providing Funds Thereof.**

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the Subject Ordinance is in accordance to its power under Section 76¹, Section 325(g)² and Section 447(1)(viii)³ of the Local Government Code of 1991 (R.A 7160). Hence, recommending for the declaration of its validity.

We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on facts available and may vary or change when additional facts and documents are presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and competent authorities and/or the courts.

ATTY. JOSE RAYMUND A. ACOL

Asst. Provincial Legal Officer

¹ Section 76 Every local government unit shall design and implement its own organizational structure and staffing pattern taking into consideration its service requirements and financial capability, subject to the minimum standards and guidelines prescribed by the Civil Service Commission.

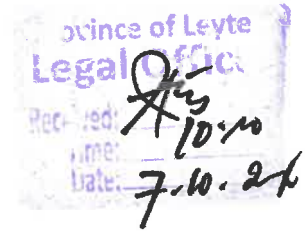
² Section 325(g) The creation of new positions and salary increases or adjustment shall in no case be made retroactive;

³ Section 447(1)(viii) Determine the positions and the salaries, wages, allowances and other emoluments and benefits of official and employees paid wholly or mainly from municipal funds and provide for expenditures necessary for the proper conduct of programs, projects, services, and activities of the municipal government.

Republic of the Philippines
PROVINCE OF LEYTE
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OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST ENDORSEMENT
09 July 2024



Respectfully indorsed to the **PROVINCIAL LEGAL OFFICE** the herein **MUNICIPAL ORDINANCE NO. 03 series 2024** of the **MUNICIPALITY OF TUNGA, LEYTE**, creating additional positions in the Local Government Unit, for review and recommendations.

A handwritten signature in black ink, appearing to read "Florinda Jill S. Uyvico".

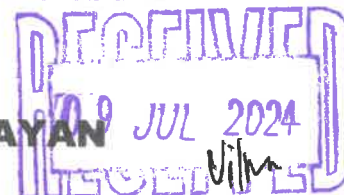
FLORINDA JILL S. UYVICO
Secretary to the Sanggunian

SP Records
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REPUBLIC OF THE PHILIPPINES
Province of Leyte
MUNICIPALITY OF TUNGA
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SANGGUNIANG PANLALAWIGAN



OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE 89TH REGULAR SESSION OF THE SANGGUNIANG BAYAN, TUNGA, LEYTE HELD ON JUNE 24, 2024 AT THE SB SESSION HALL.

PRESENT:

- Hon. Martiniano F. Requez - SB Member/Temporary Presiding Officer
- Hon. Edmundo O. Labarda - SB Member
- Hon. Joselito L. Arintoc - SB Member
- Hon. Lemuel G. Ponferrada - SB Member
- Hon. Marietta A. Catalo - SB Member
- Hon. Rex S. Ergina - SB Member
- Hon. Jose Capoporo A. Uribe - SB Member
- Hon. Severino B. Sari - SB Member
- Hon. Florentina A. Obsequio - Ex-Officio Member/ABC President
- Hon. Leo Van C. Delgado - Ex-Officio Member/SK Federation President

ABSENT:

- Hon. Egidio G. Baac - Municipal Vice-Mayor

MUNICIPAL ORDINANCE NO. 03
Series of 2024

AN ORDINANCE CREATING ADDITIONAL POSITIONS IN THE LOCAL GOVERNMENT UNIT OF TUNGA, LEYTE AND PROVIDING FUNDS THEREOF.

Sponsored: Hon. Lemuel G. Ponferrada
Co-Sponsored: Hon. Jose Capoporo A. Uribe
Hon. Marietta A. Catalo

WHEREAS, Section 447 (1)(viii) of Republic Act No. 7160 provides that one of the functions of the Sangguniang Bayan is to determine the positions and the salaries, wages, allowances and other emoluments and benefits of official and employees paid wholly or mainly from municipal funds and provide for expenditures necessary for the proper conduct of programs, projects, services, and activities of the municipal government;

WHEREAS, Section 76 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, provides that every local government unit shall design and implement its own organizational structure and staffing pattern taking into consideration its service requirements and financial capability, subject to the minimum standard and guidelines prescribed by the Civil Service Commission;

WHEREAS, The Sangguniang Bayan is likewise empowered to create any position in the Local Government Unit based on the priority needs of the municipality as identified by the Local Chief Executive provided that all mandatory positions have been created. The



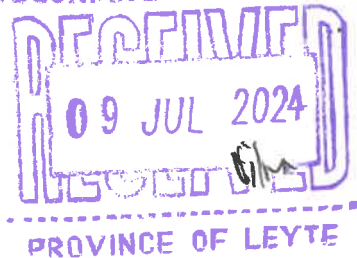
REPUBLIC OF THE PHILIPPINES
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OFFICE OF THE SANGGUNIANG BAYAN

July 9, 2024

HON. LEONARDO JAVIER JR.
Vice-Governor/Presiding Officer
Sangguniang Panlalawigan
Province of Leyte

SANGGUNIANG PANLALAWIGAN



Thru: THE SECRETARY TO THE SANGGUNIANG

Sir:

Respectfully submitting herewith fifteen (15) copies of **Municipal Ordinance No. 03, Series of 2024** – AN ORDINANCE CREATING ADDITIONAL POSITIONS IN THE LOCAL GOVERNMENT UNIT OF TUNGA, LEYTE AND PROVIDING FUNDS THEREOF, together with its supporting documents for review and approval.

Please acknowledge receipt hereof.

Thank you.

Very truly yours,

NAOMI C. ARCALLANA
Secretary to the Sanggunian

Salary Standardization Law has been fully implemented and the budgetary limitations on Personal Services (PS) expenditures are not exceeded as provided in Section 325 of the Local Government Code;

WHEREAS, Human Resource is no doubt the biggest resource of LGUs as such, it must be fully used in the service of the people to continually fulfill their obligation to serve the people in the most effective, efficient, and accountable manner,

NOW, THEREFORE, upon motion of Hon. Lemuel G. Ponferrada, unanimously seconded by the Sangguniang Bayan Members present be it;

RESOLVED, as it is hereby resolved, by the Sangguniang Bayan of Tunga, Leyte, in session assembled, to enact the following ordinance:

SECTION 1. TITLE – This Ordinance shall be known as an “Ordinance Creating Additional Positions in the Local Government Unit of Tunga, Leyte.”

SECTION 2. PURPOSE – To meet the needs of the present demands and a very functional responsive government institution.

POSITION	SALARY GRADE	OFFICE
2 Administrative Aide 1 (Casual)	1	Office of the Municipal Mayor
1 Administrative Aide 3 (Utility Worker II)	3	Office of the Municipal Assessor

SECTION 3. QUALIFICATIONS, POWERS, AND DUTIES/RESPONSIBILITIES

The qualifications, powers, duties and responsibilities herein enumerated positions shall be based on the provisions of the Local Government Code and Civil Service Commission (CSC) laws, rules and regulations.

SECTION 4. APPOINTMENTS – The appointments for those who will be occupying, the herein mentioned positions shall be within the prescribed qualification standard and guidelines set forth by the Civil Service Commission (CSC) and other relevant laws.

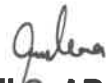
SECTION 5. APPROPRIATION – Appropriation of funds shall be incorporated in the Local Government Unit (LGU) Annual Budget for effective and continuous implementation of this ordinance.

SECTION 6. REPEALING CLAUSE – All ordinances, rules and regulations or part thereof inconsistent with the provisions of this ordinance are hereby repealed or modified accordingly.

SECTION 7. EFFECTIVITY CLAUSE – This ordinance shall take effect 15 days after posting in three (3) conspicuous places.


ENACTED by the Sangguniang Bayan, in session assembled this 24th day of June 2024 at Tunga, Leyte.

I HEREBY CERTIFY to the correctness of the foregoing Municipal Ordinance.


NAOMI C. ARCALLANA
Secretary to the Sanggunian

ATTESTED:


MARTINIANO F. REQUIEZ
SB Member/Temporary Presiding Officer


EDMUNDO O. LABARDA
SB Member


JOSELITO L. ARINTOC
SB Member


LEMUEL G. PONFERRADA
SB Member



MARIETTA A. CATALO
SB Member


REX S. ERGINA
SB Member


JOSE CAPOPORO A. URIBE
SB Member


SEVERINO B. SARI
SB Member


FLORENTINA A. OBSEQUIO
Ex-Officio/ABC President


LEO VAN C. DELGADO
Ex-Officio/SK Fed. President

APPROVED:


REINBERT C. COSTELO
Municipal Mayor
Date: 07-08-2024



REPUBLIC OF THE PHILIPPINES
Province of Leyte
MUNICIPALITY OF TUNGA
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OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATE OF POSTING

TO WHOM THIS MAY CONCERN:

THIS IS TO CERTIFY that *Municipal Ordinance No. 03, S. 2024* entitled: **“AN ORDINANCE CREATING ADDITIONAL POSITIONS IN THE LOCAL GOVERNMENT UNIT OF TUNGA, LEYTE AND PROVIDING FUNDS THEREOF”**, has been posted in three (3) conspicuous places within the municipality and shall remain posted for three (3) consecutive weeks.

Issued this 9th day of July, 2024 at Tunga, Leyte.


NAOM C. ARCALLANA
Secretary to the Sanggunian